

Meeting Summary
Long Island Sound Study Citizens Advisory Committee
Thursday, March 8, 2001
DEC Marine Resources Headquarters
East Setauket, Long Island

The meeting was called to order at 10:40 AM by New York Co-chair David Miller, who noted that Connecticut Co-chair John Atkin was unable to attend the meeting. CAC Secretary Caroline DuBois called the roll; after several late arrivals, it was determined that 18 members were present. After self-introductions of attendees (see Attachment 1) Miller proceeded to the following agenda items:

MANAGEMENT COMMITTEE MEETING

Mark Tedesco referred the membership to the summary of the meeting dated February 21, 2001 that had been mailed to the CAC, and briefly recapped the January 19, 2001 meeting. The committee agreed on a broad outline for the use of FY2001 LISS program funds: \$3 million for direct implementation grants split evenly between NY/CT; \$2.0 million for LISS base program implementation, and for studies and research, and additional implementation projects. The committee will meet on April 19, 2001 to make its final decisions on the FY2001 budget and work plan. Bill Matuszeski, Director of the Chesapeake Bay program office briefed the committee on the process the Bay program used to develop its 2000 Agreement. (see: <http://www.chesapeakebay.net/agreement.htm>) The LISS is using a similar process to develop the 2001 LIS Agreement, which is to be signed by the NY/CT Governors and EPA Administrator by September 2001. Tedesco noted that the March 2-3, 2001 Long Island Sound Watershed Alliance (LISWA) annual meeting focused on potential elements to be included in this agreement, and will be discussed later on the agenda. As a result of the CAC's January 12, 2001 letter to the NYSDEC and CTDEP Commissioners regarding Association of National Estuary Programs (ANEP) dues, NYSDEC Commissioner John Cahill had sent a check for \$1,500 to ANEP for 2001 dues. Tedesco acknowledged the significance of this action, and indicated that he, several LISS staff, and the CAC co-chairs would be attending the joint ANEP/EPA national conference in Washington, DC from March 11-15, 2001. Briefings for LIS caucus members are also being arranged during the week. David Miller indicated that he would draft a letter from the CAC co-chairs to the Long Island Sound caucus in support of full funding for the Long Island Sound Restoration Act of 2000 to \$40 million annually.

SUBCOMMITTEE REPORTS

2001 CAC Meeting Locations – In order to facilitate a decision on the meeting locations for 2001, David Miller proposed meetings in Stamford, New York City, and New Haven for the remainder of 2001. Dan Natchez spoke in favor of these cities for meetings as more likely to attract members because of their location. After brief discussion, the membership

supported these meeting locations. Miller proposed that attendance at these meeting locations be evaluated for attendance next year in setting up possible meeting locations for 2002. The LISO will follow up with the facilities selected in these locations to assess their availability on the meeting dates. Due to a conflict with the June 14, 2001 CAC meeting date with the New York/New Jersey Harbor Estuary Program, the CAC agreed to meet on Wednesday, June 13, 2001 instead of Thursday, June 14, 2001 in order to accommodate an invitation from HEP Co-Chair Eugenia Flatow for LISS CAC participation in the HEP meeting on that date in New York City. (See Attachment 2 for copy of HEP letter)

Communications Subcommittee – Chair Steve Matthews was unable to attend the meeting; Bill Evanzia referred the members to the report in the meeting package and reported as follows. The subcommittee reviewed the 2001 communications work plan; one or more simple themes were suggested to carry the message to the public, such as “Save LIS for Our Families, For Our Future,” or Our Beaches, Where Citizens Meet the Sound.” The Sound Health 2001 report is in the final stages of production; 470,000 copies will be printed for insertion into 7 coastal newspapers around the Sound; several reporters are interested in doing feature stories on the report. ANEP is hosting an eBay auction to raise funds to support national estuary issues; all CAC members received the information and are asked to consider donating or soliciting donations for the auction, or bidding on donated items. Several CAC organizations have already submitted donations to the site, and part of the funds from the sale obtain back to the donating organization. The site was scheduled to be active by the end of February, but has been delayed by eBay until further notice. Donations should still be submitted using the forms provided to the CAC through ANEP. Contact Dawn Volk of ANEP at 703 333-6150 or drvolk@erols.com for more information on the program.

Tracking & Monitoring Subcommittee -- Chair David Miller reported that the draft overview sections of the 2000 CCMP Implementation Tracking Report were not yet available. The final report should be available in late April or early May, and will be used as a basis for preparing the CAC's priorities to the Policy Committee at the June meeting. This will be a significant item on the June meeting agenda.

Watershed Subcommittee -- Chair Caroline DuBois referred the CAC to the written report in the meeting package for details on the subcommittee's meeting. Mark Parker presented a brief overview of the beach closure notification process in Connecticut. (See Attachment 3) With the exception of Connecticut state beaches, there is no centralized reporting of beach closure information. Each town is responsible for testing, taking administrative action, and making public notification of beach closures. Dr. Joel Ziev indicated that the public should know of the underlying reasons for beach closures, especially chronic closures such as that which occurred at Harbor Island Beach in Mamaroneck in 2000. Ziev emphasized that unless the public understands the sources of

pollution that cause beaches to be closed, the appropriate public pressure cannot be brought to bear to solve the source problems -- a solid water pollution control infrastructure is what is necessary. Ziev advocated for a strong LISS public education program concerning this issue, especially focusing on accessibility to beach closure information. Caroline DuBois indicated that the beach act (*Beaches Environmental Assessment and Coastal Health Act of 2000*, PL 106-284) has possible implications for the future work of the subcommittee. Joe Salata advised that funds have not been appropriated to implement provisions of this Act, and it is unclear at this time what EPA funds or resources may be available in FY 2002 for this purpose. David Miller encouraged the subcommittee to look further into requirements of the Act and report back to the full CAC in June. Miller indicated that the co-chairs will urge the Management Committee to review the implication of the beach bill and how the issue of beach closings can be better mitigated and coordinated by the agencies involved.

Sediment Focus Group -- Chair Allen Berrien referred the membership to the written subcommittee report in their meeting package for details. Berrien indicated that based on the strong written response from the EPA Regional Administrators (RA) to the CAC's June 2000 letter on priorities concerning the sediment cost paper, further action on this issue with the policy or management committees would not seem to be advisable. Berrien volunteered to pursue legislative initiatives with contacts in Connecticut, but indicated that a New York CAC member should volunteer to work with the New York state legislature. Chair David Miller agreed that since the new EPA RAs have not yet been appointed, pursuing this issue once again through the policy or management committees would not be fruitful. Mark Tedesco suggested that this issue is larger than any one or two states, and that it would be appropriate to raise this concern in the national arena through ANEP. The sense of the CAC was to pursue this issue through ANEP, and Tedesco agreed to informally provide the sediment cost paper to ANEP at their March 11-15 national meeting in Washington.

Living Marine Resources Subcommittee -- Chair Jennifer Wilson-Pines reported that the subcommittee had agreed on its mission and vision statements, which were attached to the written report in the CAC meeting package. Wilson-Pines indicated that there is a dearth of research on non-harvestable species in Long Island Sound, such as plankton or blue mussels. Wilson-Pines stated that research in this area is at the bottom of the funding foodchain, and that substantial funds should be directed to hands-on LMR research. In that regard it was agreed that the CAC co-chairs would make a strong recommendation to the management committee in April to support a LMR research fund and to support the recently developed mission statement of the LMR subcommittee.

PROPOSED CAC RESOLUTION

Dan Natchez had proposed a resolution concerning the storm water exemptions under Phase II; the resolution was tabled at the December 14, 2000 meeting due to a lack of a quorum. David Miller reminded the members that they may submit resolutions for consideration by the full CAC at least 30 days prior to the meeting at which voting on the resolution is to take place. Dan Natchez reviewed the resolution, reiterating that many municipalities are exempt from the requirements of the storm water regulations, or have years to comply with requirements, while other entities are not exempt and must immediately comply. Jennifer Wilson-Pines asked for clarification on how the resolution relates to what is in the states' regulations. Natchez stated that the resolution was clear as written. After further discussion, David Miller proposed a sense of the CAC that the states should amend their storm water programs to eliminate exemptions to municipalities based on population size. Miller will draft a letter to the states conveying this sense of the CAC.

(NB: The final EPA Storm Water Phase II Rule was signed on October 29, 1999 and appeared in the Federal Register on December 8, 1999. The Rule covers small municipal separate storm sewer systems called "regulated small MS4s." Under this rule, EPA and delegated states must issue general permits within three years of the date the rule was signed, or by December 9, 2002; those subject to the permits must apply for coverage under the permit within 90 days of that date, or March 10, 2003. Permittees must comply with permit conditions within five years, of that date, or March 10, 2008. There are 6 minimum control measures that must be implemented by permittees in compliance with the permit, in addition to evaluation and assessment efforts and record keeping: 1) public education and outreach; 2) public involvement/participation; 3) illicit discharge detection and elimination; 4) construction site runoff controls; 5) post-construction storm water management in new/re-development; and 6) pollution prevention/good housekeeping. A waiver option is available to operators of regulated small MS4s serving a population of 1,000 or less, or for MS4s serving populations of 10,000 or less under certain conditions as determined by the permitting authority. For details on the storm water program consult: <http://www.epa.gov/owm/sw/phase2/>)

LIS SUMMIT/RESERVES/2001 AGREEMENT

David Miller reported on the Long Island Sound Watershed Alliance (LISWA) conference held Friday and Saturday, March 2-3, 2001 at the New York Botanical Gardens in the Bronx. This year's conference was co-sponsored by Save the Sound, Inc. and the EPA Long Island Sound Office. The conference provided a forum to discuss the current state of the Sound, progress in the cleanup, the challenges ahead, and priorities for addressing these challenges. The conference proceedings will help support development of the LIS 2001

Agreement. The first day began with a series of presentations on the past, present, and future status of LIS, presented respectively by Dr. Johan Varekamp, Wesleyan University; Mark Tedesco; and Chuck Fox, former EPA Assistant Administrator for Water. These sessions were followed by group breakout sessions on hypoxia; living marine resources; toxics and sediments; habitat restoration; watershed/NPS management; and stewardship and community engagement. Dan Beard, Senior Vice President of the National Audubon Society was the keynote speaker at lunch. Day two opened with a presentation by Dr. Steve Murray of Cal State Fullerton's Department of Biological Sciences focusing on marine reserves; Don Henne and Bill Kolodnicki of the USFWS presented the ecological element of a potential LIS reserve. Congressman Chris Shays addressed the conferees on the importance of the reserve to LIS as well as how the reserves might be perceived from the National perspective. The breakout group recorders presented summaries of the first day's recommendations. A panel comprised of Bob Smith, CTDEP; Kevin Bricke, EPA Region II; Karen Chytalo, NYSDEC Marine Resources, Don Henne; and Mark Tedesco closed out the conference by responding to the top priorities recommended by the breakout groups. A report on the conference proceedings will be prepared for distribution to attendees by Save the Sound.

NEW YORK NEMO PROGRAM

Eileen Keenan gave a presentation on the new Nonpoint Education for Municipal Officials (NEMO) program on Long Island. The program was funded in FY2000 by NYSDEC and by the LISS; the New York Sea Grant Program is hosting the NEMO coordinator on its campus. Keenan is working with the Hempstead Harbor and Manhasset Bay protection committees on bringing NEMO to those jurisdictions. Keenan reported that she has met with a number of public officials, as well as members of the various environmental boards, commissions, and departments as well as planning, zoning and other officials. For further information on the NEMO program on Long Island, contact Eileen Keenan at: 631 632-8730.

NY/NJ HARBOR ESTUARY PROGRAM

Shino Tanikawa of the New York City Soil and Water Conservation District presented the accomplishments of the New York/New Jersey Harbor Estuary Program (HEP) for the following CCMP priority areas: habitats and living resources; toxic contamination; dredged material management; pathogenic contamination; floatable debris; nutrients and organic enrichment; rainfall discharges; and public involvement and education (see Attachment 4 for copy of presentation). The HEP CAC's Science and Technical Advisory Committee (STAC) recently released its *Successes and Challenges* report, which will be used as a basis for discussions in developing the HEP's 2001 agreement. HEP CAC co-chair Eugenia Flatow has invited the LISS CAC co-chairs and LISO director to attend the HEP's

June 14, 2001 meeting to discuss areas of mutual interest and concern. (NB: *As reported above, the CAC agreed to change its meeting date to Wednesday, June 13, 2001 to accommodate this request.*)

UPDATES

2001 Budget – As Mark Tedesco had already reported on the LISS budget, this report was tabled.

TMDL – Mark Tedesco reported that the states submitted the final TMDL to EPA on January 8, 2001. EPA is currently reviewing the TMDL and expects to approve the document by the end of the month. (NB: *The 73 page TMDL document is posted on the NYSDEC web site at: <http://www.dec.state.ny.us/website/dow/tmdllis.pdf>.*)

Lobster Steering Committee – Mark Tedesco reported that the lobster steering committee met and reviewed approximately 42 pre-proposals that were submitted pursuant to a Request for Proposals (RFP) issued for funds appropriated to the National Oceanic and Atmospheric Administration (NOAA) for lobster research in 2000. A number of these pre-proposals will receive authorization to submit full proposals. LISS research grants awarded in September 2000 in are still in very early implementation stages. (NB: *As reported in the December CAC notes, EPA awarded a grant to the New England Interstate Water Pollution Control Commission (NEIWPCC) under the Regional Applied Research Effort (RARE) program to support further investigations into the causes of lobster mortalities in LIS. Three grants were awarded under the LISS RFP that was issued November 1999. Dr. Richard French of the University of Connecticut is studying the causes and extent of morbidity and mortality of LIS lobsters; Dr. Johann Varekamp of Wesleyan University is investigating environmental changes in LIS over the last 400 years; and Dr. Sergio Sañudo-Wilhemý of SUNY Stony Brook Marine Science Research Center is studying trace metals, organic carbon, and inorganic nutrients in surface waters of LIS for their effects on phytoplankton growth. SUNY Stony Brook has taken over the lead for the lobster research website at: www.seagrant.sunysb.edu/LILobsters/LILobsters.htm*)

Sound Health 2001 – Rosemary Pastor advised the membership that the LISS's *Sound Health 2001* report was in the final stages of production. The graphics and layout of the report had been worked out with the contractor, and Pastor noted that a color copy of the report was on the handout table for inspection. A production run of 470,000 copies is planned for insertion on Sunday, April 1 into the *Connecticut Post*, *The Hour* (Norwalk), *The Advocate* (Stamford), the *New Haven Register*, *The Day* (New London), *The Journal News* (Westchester Co.) and *Newsday* (Long Island) by the end of March. CAC members will receive copies for distribution shortly after production. The report will also be posted on the LISS website: <http://www.epa.gov/region01/ecol/lis>.

Dredging EIS – Mark Tedesco referred the members to a report from Ann Rodney of EPA Region I concerning the status of the dredged material Environmental Impact Statement (EIS) process. (See Attachment 5) (NB: *Information on the dredging EIS is available through the LISS website, <http://www.epa.gov/region01/eco/lis>; a new dredging “button” has been added to the LISS webpage index bar, which opens a new browser window into the EPA Region I dredging page where the latest EIS information is posted.*)

Floor Updates – The next LISS Management Committee meeting is scheduled for Thursday, April 19, 2001 in Stamford.

JUNE CAC AGENDA TOPICS

David Miller asked members input for the March agenda. The following topics were suggested for the Wednesday, June 13, 2001 CAC meeting:

- 1) Welcome/roll call/introductions/housekeeping
- 2) Subcommittee reports
 - Communications
 - Sediment
 - Report on sediment cost paper follow-up
 - Tracking & Monitoring
 - 2000 T&M report and CAC priorities for 2002
 - Watershed
 - Report on beach closure information follow-up
 - Report on storm water resolution follow-up
 - Living Marine Resources
- 3) Draft LIS 2001 Agreement
- 4) Updates

David Miller advised the membership to provide any other suggested agenda topics directly to John Atkin over the next month, but cautioned that the issues already identified will take up significant time on the agenda. There being no further business brought before the CAC, David Miller requested a motion to adjourn, which was made, seconded and passed, and the meeting adjourned at 2:30 PM.

LIST OF ATTACHMENTS

1. March 8, 2001 CAC meeting attendance list
2. NY/NJ HEP co-chair letter, February 21, 2001
3. CTDEP beach closure memo, March 14, 2001
4. NY/NJ HEP presentation slides
5. Dredging EIS update report, March 8, 2001